

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 04, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

ANDREW ERICKSON, a married
man, and CRAIG BELFIELD, a
married man,

Plaintiffs,

v.

ENVIRO TECH CHEMICAL
SERVICES, INC., a California
Corporation, d/b/a OrganiClean,

Defendant.

No. 1:23-cv-03118-MKD

ORDER SETTING DISCOVERY
DISPUTE HEARING AND
BRIEFING SCHEDULE AND
DENYING DEFENDANT'S
MOTION TO STRIKE AS MOOT

ECF No. 45

On October 3, 2024, the Court held a discovery dispute hearing. ECF No. 46. Maija Druffel appeared on behalf of Plaintiffs. Steve Rich appeared on behalf of Defendant.

The Court originally set the hearing to informally resolve the discovery dispute addressed in Plaintiffs' Motion to Compel, ECF No. 30, on an expedited timeframe according to the Court's standard procedure and with the consent of Plaintiffs' counsel. *See* ECF No. 34 (citing ECF No. 25 at 7); ECF No. 35. To that

1 end, the Court set the hearing for October 3, 2024, and directed Defendant to file
2 an informal, letter-brief response by October 1, 2024. ECF No. 38.

3 After the hearing was set, Defendant filed a Motion to Compel raising
4 additional discovery disputes. ECF No. 39. Defendant filed a response to
5 Plaintiffs' Motion to Compel on October 1 as directed. ECF No. 41. Shortly
6 before the close of business hours on October 2, the day before the hearing,
7 Plaintiffs filed a reply brief to their Motion to Compel and a supplemental
8 declaration. ECF Nos. 43, 44. Defendant filed a letter-brief motion to strike ECF
9 Nos. 43 and 44 after hours that evening. ECF No. 45.

10 Given these subsequent filings, the Court resets the discovery dispute
11 hearing and sets the below deadlines for any additional briefing, including the
12 remaining briefing on Plaintiffs' related Motion to Extend Expert Disclosure
13 Deadline, ECF No. 31.

14 In the Motion to Strike, Defendant correctly notes that the Court did not give
15 Plaintiffs leave to file a reply or additional materials when it set the discovery
16 hearing on an expedited basis. *See* ECF No. 45. The Court denies the Motion to
17 Strike as moot, in light of the further briefing directed below, and will instead
18 provide Defendant an opportunity to file a surreply to respond to the new issues
19 raised in ECF Nos. 43 and 44. However, the Court underscores that the parties
20

1 must seek leave of court to file any supplemental briefing or materials that are not
2 otherwise permitted by rule or court order, otherwise these filings will be stricken.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. Defendant's Motion to Strike, **ECF No. 45**, is **DENIED** as moot.

5 2. **By Monday, October 7, 2024**, Plaintiffs shall file a response to ECF
6 No. 39 and a reply to ECF No. 31.

7 3. **By Wednesday, October 9, 2024**, Defendant shall file a reply to ECF
8 No. 39 and may file any surreply to ECF No. 30.

9 4. A discovery hearing is **SET** for **October 15, 2024, at 1:30 p.m. by**
10 **video**, at which time the Court will hear argument on **ECF Nos. 30, 31, and 39**.

11 **IT IS SO ORDERED.** The Clerk's Office is directed to file this order and
12 provide copies to counsel.

13 **DATED** October 4, 2024.

14 *s/Mary K. Dimke*
15 MARY K. DIMKE
16 UNITED STATES DISTRICT JUDGE
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